**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**
**ORIGINAL JURISDICTION**

Dated : Nainital the 6th day of May 2005
Criminal Misc. Bail. Application No. 740/2004
**Order on the bail application of accused.**

**CRIMINAL SIDE**

Arjun @ Atar Singh
S/o Shri Vishwas Prasad @ Kalu Ram
R/o Kapil Vihar Thana Sadar Bazar
Saharanpur
Presently R/o Laxmi Garden
Jamuna Nagar ……..Applicant.

**Versus**

State of Uttaranchal ……Opposite Party.

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Arising out Case Crime No. 134/2003
U/Ss 420, 406, 468, 469 & 471 I.P.C.
P.S. Kotwali Roorkee
District Haridwar.

**By the court**

**Hon'ble J.C.S. Rawat, J.**

Heard Sri Vivek Shukla learned counsel for the applicant, Sri B.S. Khanka learned counsel for the bank and learned A.G.A. for the State.

Perused the record. It has been alleged that the applicant in collusion with one-Santokh Singh and Sadhu Ram by way of fake and forged documents got opened an account in the Bank and also fraudulently managed a cash credit limit of Rs.20,00,000/-. Out of which, the applicant took an amount of Rs.9 lakhs from the Bank. On suspicion, when the Bank enquired about the veracity of the documents it was revealed that all the accused persons with the help of fake and forged documents withdrew and amount of Rs.90,04,496/- from the Bank of the informant. The learned counsel for the applicant contended that it was the duty of the Bank and its officer to verity the veracity of the documents before sanctioning a huge cash limit of Rs.20,00,000/-. The learned counsel for the applicant further contended that the officers of the bank had not taken any pain before sanctioning the said amount. The learned counsel for the applicant has further submitted that the applicant never opened any account in the Bank of the informant and somebody with the help of his

photograph has managed to open the said amount in the Bank of the informant.

The learned counsel for the applicant also contented that the main accused persons namely Santokh Singh and Sadhu Ram @ Ram Mohan Tyagi have already been released on bail by the learned Session Judge vide order dated 12.4.2004 and 7.5.2004 respectively. The learned counsel for the applicant further contended that the applicant is languishing in jail since 16.4.2004, which is more than one year. The learned counsel for the applicant relied upon the decision in **Ashok Dhingra Vs. N.C.T. of Delhi 2000(009) SCC p/533,** in which the accused cheated a Japanese national of a whopping sum exceeding Rs.65 lakhs and the accused was in custody from 5.7.1999 to 10.12.1999. It has been further observed that to continue the detention of the accused during the pre-trial stage may not be in the interest of justice and the accused was granted bail.

The learned counsel for the Bank refuted the contentions and contended that the applicant-accused has full intention to commit the offence and the applicant-accused intentionally took the money from the bank. The learned counsel for the Bank further submitted that the applicant-accused is involved in other forgery case.

The learned counsel for the applicant further contended that the trial is still pending before the court below and it will take time to be concluded.

Considering the contentions of the parties and the circumstances of the case, it is a fit case for bail. The applicant-accused shall be released on bail on the following conditions:-

(1) He shall report at the circle officer of Haridwar city on Tuesday in every week between 9AM to 11AM.

(2) He will not leave the limits of the Jamuna Nagar, Saharanpur without permission of the trial court.

(3) He shall surrender his passport, if any with him, within one week to the trial court. In case, he has no passport the trial court will inform

the passport office that the passport may not be prepared in the name of the accused.

(4) He shall not in any either intimidate or influence the witnesses or tamper with the evidence.

The applicant-accused will furnish a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned. The applicant-accused will also furnish a personal bond and the security to satisfy the above conditions.

**(J.C.S. Rawat, J.)**

Dated 06.5.2005

LSR